

CLASSIFICATION NEWS

September 20, 2010

No. 36/2010

STATUTORY ALERT Denial of entry to United States waters for substandard vessels

APPLICABILITY All shipowners and operators trading to United States waters

INFORMATION The United States Coast Guard (USCG) has recently advised that all foreign flagged vessels operating in United States waters are required to be maintained in compliance with United States regulations, international Conventions and other required standards. USCG has stated that it now has procedures in place so that if ships have a history of operating in waters subject to U.S. jurisdiction in a substandard condition, outside acceptable standards, they may be denied entry. This is in effect a banning order.

USCG has stated: "Over the past several years there have been cases where foreign flagged vessels have been repeatedly detained by USCG Port State Control Officers for significant safety and security non-compliances and substandard conditions. In each case, the vessel's Flag administration was notified and the substandard conditions were corrected; however, the underlying causal factors for the substandard conditions may not have been identified and/or adequately addressed as would be expected if an effective and properly implemented Safety Management System (SMS) was in place."

Denial of entry only applies to vessels which have been repeatedly detained – **three** detentions within **twelve** months – and if it is determined that failure to effectively implement the Safety Management System (SMS) may be a contributing factor to the substandard condition(s) that led to the detentions.

USCG has also stated that as much information as possible will be gathered before a port state control (PSC) inspection on a vessel with previous history. This information will include: deficiencies, detentions, marine casualties, pollution incidents or marine violations. It will not be limited to USCG inspections, but may include previous PSC results from other flag states including detentions and/or bans on the vessel or company.

If it is determined that adequate measures have not been taken to prevent future non-compliance, then a Letter of Denial will be issued to the vessel's owner and company (listed on the Document of Compliance) informing them that the vessel will be denied entry into any port or place in the United States unless specific actions are completed to the satisfaction of USCG.

The denial of entry will be associated with the vessel by its IMO number and will remain in effect until removed by USCG. Conditions governing a vessel's re-entry into U.S. waters will be considered on a case-by-case basis by USCG Headquarters in Washington DC.

Further details can be obtained from the USCG at:
<http://homeport.uscg.mil/mycg/portal/ep/home.do>

Further information

Contact: Jim Barclay
T +44 (0)20 7423 2463
F +44 (0)20 7423 2056
E jim.barclay@lr.org

www.lr.org

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